

## MOURNFUL MARCH IN THE RAIN

## SOLENN PARADE TO HONOR THE DEAD OF THE FIRE

Thousands Ploofed on Through the Rain and Thousands More Stood in Patience on the Sidewalks—Few Flags and No Music in the Line—50,000 Walked.

To the thousands who gathered in Washington Square yesterday or lined Fifth Avenue from the arch to Thirty-fifth street it appeared as though the East Side had transferred itself bodily to that part of the city to honor the memory of the men and women who lost their lives in the Triangle Shirtwaist Company fire of March 25. The vast crowds of rain followed by a steady downpour were seemingly unheeded by the men, women and girls in line or by the others who gathered to watch the parade.

The patience of the paraders was wonderful. Many of those in the line had spent the morning at work in the shops and factories, and all had been standing in the streets or marching to the rendezvous in the square for three hours before the parade actually began to march up Fifth Avenue.

The line did not begin to move until after 3 o'clock, yet there were few desertions from the ranks and scarcely a murmur against the evil weather from the many who stood, umbrellas—some with bare heads. It was this steady, uncomplaining patience that distinguished yesterday's parade from the many others that have passed along the avenue.

And the wonder of it grew when one noted by contrast the absence of martial music, bright uniforms and display. Another striking feature was the almost absolute silence in which the crowd waited.

On the City Hall the flags were at half mast, but it was on the side streets in the neighborhood of Rutgers Square that the signs of mourning were most notable. From the fire escapes the flags were hung long streamers of black and white and above the shop windows were placards in English and Yiddish announcing the sorrow of the neighborhood.

The crowd wound balconies, in the shop windows and on the mourning bands which street fakirs were selling was displayed the six pointed star, the Magen David, or sign of David, and when the parade formed it was the most prominent emblem displayed on the banners. And as it was a union demonstration, the stars were placed below with the union label, and the cry of the street vendors was:

"Buy a union mourning band or button." At noon when the rain began to come out Clinton and Broome streets, through which the downtown section of the parade marched to Washington Square, was so threatened that it was difficult to move except with the crowd. And now the mourning band and button sellers were reinforced by boys who chanted some Yiddish verses and sold them on sheets to the crowd.

Long before this people came to view the parade had gathered in Washington Square and a general murmur began to come out from the crowd. The short block along Washington place to the scene of the fire. The police had orders not to interfere so long as there was no disorder, and by 1 o'clock the streets about the Aech building were packed.

Many of the segments of the parade passed near the building and the crowd pressed back against the buildings, leaving a narrow lane so that those carrying the mourning banners might pass by the scene of the fire. Sometimes the banners would cry out as she passed the building, and there were one or two incidents of hysteria, which were quickly checked by the police.

A block away from the burned building, a Socialist orator mounted a packing box platform and wailing a huge bunch of white flowers, he begged those who would stop to listen.

It was 1:45 when the head of the line of the up-town division of the parade, which came down through University place and along the north side of Washington square, reached Fifth Avenue. At that time there were no clouds in the sky, and the sun shone brightly on the faces of the women in line, and they waited until after 2 o'clock.

And although there were umbrellas enough to make the square look like a black mushroom, the rain was not so much as to make the marchers uncomfortable. The weather and without protection meant a greater loss of life than that incurred in the fire.

Shortly after 3 o'clock the order came to march. The band that was to have headed the parade was lost somewhere in the side streets and the line moved on as silently as the wind.

It was a procession of umbrellas. Here and there at the head of the local of some union was a banner bearing the union's name and used as a sign of mourning. At intervals, too, were set pieces of flowers carried on the shoulders of the marchers and less frequently there appeared an American flag draped with black.

The sombre line was broken for a short interval by the Italian section, which carried banners of the Italian color and with black and by socialist organizations carrying red flags and banners inscribed with Assembly district numbers. The only display of flags made by the onlookers was when these socialist banners came into sight. This was especially true at Madison Square where the red flags were waved with a rattle of low voiced cheering.

Most of those who marched were young and few were beyond middle age, although the men and the women of gray hair, long bearded men or an old woman supported by a younger one shuffled along trying to keep pace with the other marchers. There was no particular order observed and the parade proceeded in closely massed groups that filled the street from curb to curb or in straggling lines two and three abreast. It was difficult to form an estimate of the numbers, but guesses varied all the way from 40,000 to three times that number. One of the marshals, said that the report of the union locals showed that 80,000 might be expected in line. Chief Inspector Schmittberger, when it was all over, guessed that there might have been 50,000 marchers. But the impression made by the long black line was that of a great multitude and the great mass of people passing before the ranks began to thin out.

It had been intended to have the survivors of the fire and those who had lost their relatives march directly behind the white covered wagon that led the parade behind the mounted police escort. But it was impossible to straighten out the line of waiting lines and the order of the parade was not strictly followed. The division in which the chief mourners marched was nearly as quiet as the others, and an elderly woman who marched alone, except for one man whose cries for shelter he or stop her cries were alike wailing, kept up a continual screaming and weeping as she walked. She was once headed and indignantly clothed that she had walked a few blocks she became exhausted and her friends begged her to leave the line.

Those who watched were so like those who marched that it was hard to tell where the crowd merged in the crowd, and even in the neighborhood of Fifth Avenue and Thirty-fifth street the type most frequently seen was very different from that of the lookers on usually seen when Fifth Avenue is the line of march.

At Thirty-fifth street the marchers turned east to Madison Avenue and went down to Twenty-sixth street before breaking ranks. When three-fourths of the marchers had passed the rest turned back along the north side of Madison Square, and even with this out in distance it was nearly 2 o'clock before the end of the long line had reached the disbanding point.

The bodies of the seven unidentified victims of the Aech building fire were buried yesterday in Evergreens Cemetery.

## In the city's plot under three services—Jewish, Catholic and Episcopal.

## The procession of hearse, which left the Morgue at 2 o'clock, was viewed by 15,000 people as it passed down First Avenue on its way to the Twenty-third street ferry.

An extra hearse bore the dismembered parts of bodies that had been found, while sixty more policemen kept the crowd from disorder. The caskets were banked with flowers sent by a Broadway florist. Commissioner of the Department of Charities, Charles M. J. Drummond and his son, Walter, First Deputy Commissioner of the Department of Charities, Frank J. Goodwin, Dr. Walter Connelly and William Flannigan were in the three automobiles that followed the march. The caskets were in another automobile.

At the grave Rabbi J. L. Magnes, president of the Jewish Community, performed the Jewish rites. Mr. William J. White, the superintendent of Catholic Charities of the Diocese of Brooklyn, performed the Catholic rites, and Rev. Dr. William Morrison, pastor of St. Ann's Episcopal Church of Brooklyn, read the Protestant burial service.

## AUTOMATIC SPRINKLERS USED

## Recommendations of the Board of Fire Underwriters.

The bureau of the Board of Fire Underwriters submitted yesterday its report on the Aech building fire. These recommendations are made:

First.—A fire drill and private fire department should be organized among the employees of all factories to prevent panic and extinguish fires.

Second.—All stairways or a sufficient number of them should be located in fireproof shafts having no communication with the building except indirectly by way of an open balcony or vestibule at each floor. These connections attached to the shafts should be protected by fireproof doors for public or private fire department use.

Third.—Stairs, if any inside the building, and elevators should be enclosed in shafts of masonry and have fireproof doors at all communications to floors.

Fourth.—The provisions ordinarily necessary for fire escape towers might be somewhat modified in buildings equipped with a system of automatic sprinklers installed according to the standards of the National Fire Protection Association.

Fifth.—Present buildings with inadequate fire escapes should be provided with automatic sprinklers and fireproof stair towers, but additional outside fire escapes passing in front of or near windows should be discouraged.

Sixth.—No factory building containing inflammable goods in process of manufacture, or employing in excess of a limited number of operatives (limit to be definitely fixed), should be without automatic sprinklers. No building over six stories high and containing inflammable goods where a considerable number of people are employed should be without automatic sprinklers.

Seventh.—Automatic sprinklers should be installed in high buildings to control a fire, and thus prevent it from spreading rapidly from floor to floor by way of outside windows. The use of wired glass in metal frames for all exterior windows would also retard such vertical spread of fire, but not so effectively as a complete equipment of automatic sprinklers throughout the building.

Jacob H. Schiff, treasurer of the Red Cross, said that the Red Cross had received a total of \$1,543.53 for the relief of the families of those killed or injured in the Washington place fire. The Red Cross had received \$2,588.25, including \$1,008.66 forwarded by Mayor Gaynor from Tuesday's contributions. Yesterday's contributions at the Mayor's office were \$1,000.

The inquest into the deaths of the Aech Building victims will be started next Monday morning at 9:30 in the new coroner's court in the Aech Building. Lafayette and Franklin streets, before Coroner Holtzhauser and a jury.

It was stated yesterday on behalf of the joint relief committee of the unions for the victims of the Triangle Waist Company fire that it has been decided to close the fund on Saturday. Four classes of people are to be considered: First, cases where families were deprived of all support; second, where dependent families are in Europe; third, where partial support of families had been lost; and fourth, where people were injured and have to be supported until they are well.

## AIRSHIPS IN POLAR WORK.

## Prince Henry of Prussia on Zeppelin Studies at Spitzbergen Last Year.

Berlin, April 5.—With Zeppelin in Spitzbergen is the title of an interesting, exhaustive official account printed to-day of the count's polar expedition during the months of July and August of last year. The story of the expedition is introduced with a preface signed by Prince Henry of Prussia describing the object of the expedition.

This, the Prince says, was to investigate the utility of airships for polar expeditions. He believes that airships could not be employed in southern Arctic exploration, owing to the prevalence of incessant cyclonic storms.

The result of the year's investigations, he concludes, was to show that the employment of such vessels in north polar exploration will depend chiefly on the future development of airships in regard to radius of action and independence of action in case of a breakdown.

## ASTOR BUYS SUNDAY PAPER.

## Addis Lord Northcliffe's "Observer" to His "Pall Mall Gazette" Enterprise.

Special Cable Dispatch to THE SUN. LONDON, April 5.—William Waldorf Astor is extending his newspaper enterprises here. Not satisfied with the possession of the Pall Mall Gazette, he has bought London's leading Sunday newspaper, the Observer, from Lord Northcliffe.

The Observer, like the Pall Mall Gazette, is staunchly conservative.

## MME. CURIE FOR BOY'S SCHOOL.

## Great Woman Chemist Would Send Daughter to Paris University.

Special Cable Dispatch to THE SUN. PARIS, April 5.—Mme. Curie, the discoverer of radium, who is a suffragist, has asked the rector of the Paris University to permit her fifteen-year-old daughter to attend the Sorbonne college. The rector has taken the matter under consideration.

## TAFT WARNED JAPAN OFF?

## MEXICAN VERSION OF U. S. ARMY MOBILIZATION.

Mikado Forced Diaz to Turn His Out of Magdalena Bay, Then Demanded a Coaling Station—Old Story From New Source—Madero Party at El Paso.

El Paso, April 5.—A man who is in very close touch with the Mexican Foreign Office and who is now here in authority for the statement that the real reason for sending American troops to the border was as a caution to both Japan and Mexico, regardless of denials. It has finally become known definitely in certain quarters, he says, that United States troops were sent to Texas because of pressure that was being brought to bear on Mexico by Japan for a coaling station.

It is said that Japan insisted that Mexico must grant a coaling station to her if it permitted the United States to continue to use Magdalena Bay. Mexico was forced therefore to withdraw the United States concession.

Following this Japan began using pressure, it is said, against Mexico for a coaling station anyhow. Then the United States troops were sent as a warning to both Japan and Mexico.

Francisco L. Madero, Sr., and his party of peace envoys are still waiting in El Paso before setting out for the camp of Francisco L. Madero, Jr., and his insurgents in the field west of Chihuahua. The senior Madero is awaiting advice from José Yves Limantour, it is given out.

All details have been concluded for his safe transport through Chihuahua to his son's camp, but there are several questions that have not been exactly cleared up between the father of the insurgent chief and the Mexican Finance Minister. When these points are settled and Madero, Sr., is able to place before his son all the concessions that are to be expected from the Diaz Government the start will be made. The trip is to be by automobile from El Paso to the Madero camp.

Rafael Hernandez, who accompanies Mr. Madero, is a representative of the Federal Government and also a friend of the Madero family, acting as a sort of intermediary between the two.

Americans in Mexico do not believe that Madero, Jr., leader of the insurgents, is going to talk peace plans with his father or anybody else. They say he may hear his father, but that neither he nor his insurgents will ever agree to lay down their arms.

They are in better shape than they have been since the insurgent broke out. They are now making their own ammunition in the mountains west of Madera, Chihuahua, and they are making field pieces, crude though they be, from machinery shafting in the shops of the Pearson Lumber Company at Madera. The Federal troops are confined in garrisons on the defensive, and the smaller ones are unprotected and are raided by the insurgents at will. Nevertheless the senior Madero has not abandoned his plan of seeing his son and attempting to pave the way for a meeting between his son and the Federalists.

## ENGLAND GAINS FROM JAPAN.

## Notable Tariff Implications in New Treaty—Right to Lease Lands.

Special Cable Dispatch to THE SUN. LONDON, April 6.—The text of the Anglo-Japanese treaty is published here this morning. Considering that England is a nation without a tariff, and therefore has nothing to bargain, the concessions made by Japan to the British commercial and industrial interests are considerable. Japan has granted reductions varying from 15 to 30 per cent upon a large number of British imports. Nevertheless the duties remain much higher than in the old tariff.

Great Britain has broken down the obstacles to the lease of Japanese land by Britons, the treaty providing that the subjects of each Power are free to lease land in either country. The treaty is to be operative for twelve years from July 17 next, but provision is made that should either Power so desire it may terminate the lease provision of the instrument on due notice.

It is noteworthy that the phraseology of the treaty contains an implication which is apparently unprecedented since Great Britain adopted free trade, namely that free trade is not necessarily a permanent institution in the United Kingdom. While there is nothing in the treaty that can be specifically taken as ground for a prediction of such a change in fiscal policy as the adoption of a tariff the treaty fully covers such an eventuality.

## TRUST INCOMES NOT EXEMPT.

## Court of Appeals Says They Are Subject to Collection Under Garnishment Law.

ALBANY, April 5.—In an important decision recently given by a divided court the Court of Appeals has sustained the validity of the amendment to the so-called garnishment law which took effect September 1, 1908, and the effect of this ruling is that incomes from trusts created prior to that date which aggregate over \$12 a week are subject to judgment and collection in favor of the creditors. The court's decision was rendered in the case of Brearley School, Ltd., against Beverly Ward of New York City.

Ward contended that the amendment did not apply to incomes from trusts created by wills probated before September 1, 1908, and that if it was intended to apply to such incomes the amendment was unconstitutional as taking property without due process of law. The Brearley School recovered a judgment in the City Court of New York on September 27, 1909, for \$727. An execution was issued on this judgment against Ward, but it was returned unsatisfied. The school then applied to the court to enforce the execution on the income which Ward was receiving under the will of his father, probated in 1879, and which income amounted to \$3,000 a year.

Judge William Bartlett in the prevailing opinion says: "It seems clear that this is a small proportion of the income from trust funds, was intended to apply to then existing trusts as well as to trusts which should thereafter be established."

Judge Bartlett also found in favor of the trustee, who claimed that as soon as the trust estate was created the beneficiary became entitled to the whole of the income derived therefrom, and the Legislature could not take away from him any part thereof, and says:

"I am unable to see what foundation there is for this argument. There was no provision in the trust deed that the income of the trust should be exempt from the claims of creditors. In enacting such laws the Legislature does not enter into any contract with its citizens, nor does it offer to contract with them."

No one has a right to be dishonest. The income of the defendant in this case exceeds \$3,000 a year. It is idle to say that the beneficiary cannot support himself or his family on less than this sum. It is only a small proportion of the property of the country who have such an income, and yet the vast majority of them live and support themselves and their families and notwithstanding pay their debts. Under the statute the earnings of a wage earner earning \$12 a week are subjected to the same sort of execution that has been issued in this case against the income of the defendant and it can be very unfortunate if we were constrained to hold that the income from property held in trust for a debtor, often an idle member of society, should be more secure than that income which a man produces by his own toil and efforts."

The general rule of constitutional law is that a citizen has no vested right in statutory privileges and exemptions. Such a statute is not a contract between the government and the citizen, and hence an amendment altering the exemptions, by lessening them, does not impair the obligation of a contract.

Chief Judge Cullen and Judges Vann and Werner concurred with Judge Bartlett. Judge Gray wrote a dissenting opinion in which Judges Chase and Haight concurred.

## FUGITIVE CASHIER CAUGHT.

## Charles B. Kealey Arrested for Stealing From the Hartford Fire Insurance Co.

Charles B. Kealey, who up to two months ago was cashier of the Hartford Fire Insurance Company at Hartford, Conn., was arrested yesterday at Broadway and Twenty-second street and locked up in Police Headquarters. He is charged with the larceny of \$1,000 from the insurance company, and it is said his defalcations will reach about \$7,000. He is being held for the Hartford police.

A circuit judge yesterday sent to the chief of police of Hartford on January 21, Kealey deserted his wife when his shortage was discovered, and with a woman named Mary Davis, and then to New Orleans. He was found in New Orleans by an inspector of the National Surety Company, who arrested him and returned him to Hartford. He was then taken to the Hotel Martini where he was arrested.

Then Kealey sent a telegram to his wife in Hartford asking her to come on with the husband of the woman who was married to him in New Orleans. He was taken to the Hotel Martini where he was arrested by detectives before the reunion took place.

## TOOK THE BABY BACK.

## Miss Scherer Discharged After Trying to Get Rid of an Infant in This City.

Miss Wilhelmina Scherer, the trained nurse of South Nyack who was arrested Tuesday while trying to induce some one to take a baby that she said had been left on her hands, was taken to the Yorkville police court yesterday. A note was found in the baby's clothing by a nurse in Flower House, where she was discharged in court, that she was charged in court with the murder of a child. Her name is Joseph Lubardy.

It developed in court that the mother of the baby is a domestic in the employ of a family in South Nyack. The mother wanted the Nyack authorities to take the child, but as she had been there only four months she refused to do so. They suggested that as she had lived in New York she should take the baby there.

Miss Scherer was engaged to surrender the child to the authorities here and got to trouble in trying to do so. Lawyer Haas of Nyack said the nurse had no intention of violating any law. He told Magistrate Hebert that she was discharged in court, she would go to the hospital and get the baby and return it to its mother.

The Magistrate discharged her.

## ONE SUAVE CAMORRIST.

## Prof. Rapi Denies Murder—Winds Up With Tears and Curses.

Special Cable Dispatch to THE SUN. VITERBO, April 5.—Prof. Rapi was the prisoner examined this morning by President Bianchi at the trial of the Camorrista for the murder of Gennaro Cuocolo and his wife. Rapi, who is or was the treasurer of the Camorra, is accused of having arranged the murder of Cuocolo and the beautiful Sorrentina.

Rapi denied that he was acquainted with Cuocolo. He explained his presence at Torre del Greco, where Cuocolo was murdered, by saying he had gone there to try some horses which he intended to purchase. He insisted that he was innocent of any connection with the murder.

Rapi bragged of his friendship with the Neapolitan nobility and ridiculed the revelations of the informer Abatemaggio, who he declared was a notorious "fence" and bad character. Rapi admitted that after the first arrest had been made in the Cuocolo case he went to Paris, where he resided for some time. Afterward he returned to Naples of his own free will.

He said he was a dealer in ostrich feathers while in Paris and also a bookmaker at the racetracks. He admitted that he had been expelled from Paris because he was a card sharper, but attributed his expulsion to revenge on the part of an officer of the French Home Office.

During his examination Rapi assumed a dignified, diplomatic air and spoke well. On the cross-examination the Public Prosecutor failed to get Rapi to change his original statement, and wound up in tears, as has been usual with the prisoners, though Rapi declared that in the first fifty-five years of his life he had not shed a tear. He has almost wept his eyes dry in the last three years, he said, especially when he thought of his octogenarian mother praying for her innocent son.

At one time Rapi appealed to the jury. He begged the members to use common sense and said that if they did they would be assured that it was impossible for a man of his age and respectability to be guilty of such a crime as the murder of Cuocolo.

Turning to Abatemaggio, whom he had accused of inventing the charges against him, Rapi exclaimed with dramatic vehemence, "Curse you! Curse you! Curse you!"

SOLD RUSSIAN NAVAL SECRETS. Printing Office Employee Dealt With Foreign Diplomats—Twelve Years.

Special Cable Dispatch to THE SUN. ST. PETERSBURG, April 5.—The newspapers print details to-day of the trial yesterday of a former sailor of the name of Povage, who was employed as a folder in the printing department of the Ministry of Marine and who was accused of selling secret documents to agents of foreign Powers.

Povage was found guilty and sentenced to twelve years penal servitude. Among the agents to whom he is accused of having sold documents are the British Naval Attaché here, Count Spanocchi, the former Austrian Military Attaché, and the first secretary of the French Embassy. None of the foreign diplomats was subpoenaed to testify at the trial.

COUNTED THE SUFFRAGETTES. So John Burns Says Women Census Dodgers Won't Be Punished.

Special Cable Dispatch to THE SUN. LONDON, April 5.—"In the hour of success, mercy and magnanimity are becoming to us," declared John Burns, President of the Local Government Board, when questioned in the House of Commons this afternoon as to whether or not the contumacious suffragettes who refused to be counted by the census enumerators were to be punished.

Mr. Burns added that the manoeuvres of the suffragettes in regard to the census had had no appreciable effect on the accuracy of the statistics that were being gathered.

## DEATH OF C. F. MOBERLY BELL.

## Was Manager of the London "Times" and a Writer on Egyptian Affairs.

Special Cable Dispatch to THE SUN. LONDON, April 5.—Charles Frederic Moberly Bell, managing director of the Times since 1908, died suddenly to-day. He was born in 1851 and had been assistant manager of the Times for eighteen years when he was elected as managing director. He had been the Times correspondent in Egypt from 1885 to 1890 and he wrote several books on that country, including "Rhodes and Pashas," "Egyptian Finance" and "From Pharaoh to Fellah."

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